

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	§	
	§	
Numbering Resource Optimization	§	CC Docket No. 99-200
	§	
Petition of the West Virginia Public	§	
Service Commission for Expedited	§	
Decision for Authority to Implement	§	
Additional Number Conservation	§	
Measures	§	
	§	
Petition of the Nebraska Public	§	
Service Commission for Expedited	§	
Decision for Authority to Implement	§	
Additional Number Conservation	§	
Measures	§	
	§	
Petition of the Oklahoma Corporation	§	
Commission for Expedited Decision for	§	
Authority to Implement Additional	§	
Number Conservation Measures	§	
	§	
Petition of the Michigan Public Service	§	
Commission for Additional Delegated	§	
Authority over Numbering Resource	§	
Conservation Measures	§	
	§	
Petition of the Missouri Public Service	§	
Commission for Additional Delegated	§	
Authority to Implement Number	§	
Conservation Measures		

**COMMENTS OF THE  
PUBLIC UTILITY COMMISSION OF TEXAS**

The Public Utility Commission of Texas (Texas PUC) respectfully submits these comments in response to the *Order and Fifth Further Notice of Proposed Rulemaking (FNPRM)* issued by the Federal Communications Commission

(Commission) in the above-captioned proceeding. As discussed in the *FNPRM*, the Commission requested comments regarding the extension of thousands-block number pooling (pooling) to areas outside of the largest 100 Metropolitan Statistical Areas (MSAs). Specifically, the *FNPRM* presented three possibilities: (1) extending mandatory thousands-block number pooling by delegating authority to implement mandatory thousands-block number pooling at the states' discretion; (2) continuing to consider requests from the states for authority to extend mandatory thousands-block number pooling to new NPAs on a case-by-case basis; or (3) extending pooling to all rate centers, using a phased implementation schedule.<sup>1</sup>

The Texas PUC supports delegating authority to the states to require pooling by carriers outside of the largest 100 MSAs. In November of 1999, the Commission delegated authority to the Texas PUC to engage in number pooling trials.<sup>2</sup> Since implementing pooling, Texas has added only three area codes in over five years (2001 to 2006). In comparison, Texas added ten area codes in the preceding five years (1996-2000).<sup>3</sup> Moreover, pooling in Texas has benefited both carriers and consumers by forestalling the need for more disruptive measures, such as area code splits.

The Texas PUC supports the use of pooling wherever beneficial, and many of the areas outside of the largest 100 MSAs in Texas would benefit from pooling. For example, the Waco rate center does not have mandatory pooling, but six CLECs and at least nine wireless carriers hold numbering resources in that area. In 2005, increased demand for numbers in the 254 area code, which includes Waco, pushed this area code nine quarters closer to exhaustion (from 3rd quarter 2018 to 2nd

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<sup>1</sup> *Numbering Resource Optimization*, Order and Fifth Further Notice of Proposed Rulemaking, CC Docket No. 99-200, FCC 06-14, paras. 16-17 (Feb. 24, 2006) (*FNPRM*).

<sup>2</sup> *Petition of the Public Utility Commission of Texas for Expedited Decision for Authority to Implement Number Conservation Measures*, Order, CC Docket No. 96-98, DA 96-2636 (Nov. 30, 1999).

<sup>3</sup> See Attachment A - Texas Area Code Chronology.

quarter 2016).<sup>4</sup> However, in some rate centers, carriers may have good cause for not pooling, such as not having any other carriers in a rate center with which to pool (e.g., the Ackerly and Lenorah rate centers, served only by the incumbent). For areas such as these, a scheduled expansion of pooling to all rate centers may require pooling before it would be beneficial in that area. Because of the location-specific nature of number resource management, the Texas PUC favors an approach that would allow the state commissions to require pooling at their discretion, as opposed to mandating pooling in all rate centers pursuant to an implementation schedule. In this way, the state commissions would have the necessary flexibility to address the particular circumstances of any given area or carrier.

Moreover, having the discretion to require pooling would allow state commissions to promptly respond to changes in technology, business plans, and population shifts, without having to burden the Commission with petitions for such authority in every instance the need arises. For example, in Texas, the use of virtual NXX has increased the demand for numbering resources in areas outside of the largest 100 MSAs. All too frequently, a carrier will request an entire central office code of 10,000 numbers just to use a handful of numbers, stranding thousands of unused numbers.<sup>5</sup> Granting the states discretion to apply pooling requirements would greatly assist in the efforts to conserve numbers in a dynamic telecommunications environment. State commissions have the advantages of physical proximity to the affected areas and familiarity with local conditions, putting the state commissions in the best position to determine whether and when to implement number pooling measures.

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<sup>4</sup> North American Numbering Plan Administration, 2005 NRUF and NPA Exhaust Analysis at 15, October 31, 2005.

<sup>5</sup> The Texas PUC notes that some paging carriers use a disproportionately large number of codes in this manner. In one NPA, two paging carriers by themselves have essentially brought the NPA two years closer to exhaustion. In one year, these two paging carriers accounted for the vast majority of all codes assigned in the NPA that year. Because of the significant impact paging carriers can have on NPA exhaustion, the Texas PUC urges the Commission to consider extending pooling requirements to paging carriers.

## Conclusion

The Texas PUC believes that the growing need for number conservation outside of the largest 100 MSAs calls for the expansion of number pooling requirements to those less populated areas. State commissions should have the flexibility to implement number conservation measures that are timely and responsive to the particular circumstances in their respective states. Requiring case-by-case approval of number pooling measures would be inefficient and unduly burdensome. Accordingly, the Texas PUC urges the Commission to consider the valuable role state commissions can play in implementing pooling when given the discretion to require pooling. The Texas PUC appreciates the opportunity to provide comments to the Commission in this proceeding.

Respectfully Submitted,

Public Utility Commission of Texas  
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May 15, 2006

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Paul Hudson  
Chairman

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Julie Parsley  
Commissioner

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Barry T. Smitherman  
Commissioner

## **ATTACHMENT A**

### **Texas Area Code Chronology**

## Texas Area Code Chronology

<b>1947</b>	<b>4 area codes</b> 214 – Northeast Texas 512 – Central and South Texas 713 – Southeast Texas 915 – West Texas
<b>1953</b>	<b>5 area codes</b> 817 – a geographic split of the Fort Worth region from 214
<b>1962</b>	<b>6 area codes</b> 806 – a geographic split of the Amarillo/Lubbock region from 915
<b>1983</b>	<b>7 area codes</b> 409 – a geographic split from 713
<b>1990</b>	<b>8 area codes</b> 903 – a geographic split of the Longview region from 214
<b>1992</b>	<b>9 area codes</b> 210 – a geographic split of San Antonio from 512
<b>1996</b>	<b>11 area codes</b> 972 – a geographic split of the 214 area code serving the Dallas region 281 – a geographic split of the 713 area code serving the Houston region
<b>1997</b>	<b>15 area codes</b> 254 and 940 – a three-way geographic split of 817 830 and 956 – a three-way split of 210 with San Antonio retaining that area code
<b>1998</b>	<b>15 area codes</b> The geographic boundary between 214 and 972 in Dallas is erased, creating the first overlay in Texas. Ten-digit dialing is required for local calls in that region.
<b>1999</b>	<b>18 area codes</b> The geographic boundary between 713 and 281 in Houston is erased, creating an overlay and requiring ten-digit dialing for local calls in that region. 832 – an overlay added as the third Houston area code 361 – a geographic split of 512 creates a new area code for the Corpus Christi region 469 – an overlay added as the third Dallas area code

### Texas Area Code Chronology, cont.'d

<b>2000</b>	<b>21 area codes</b> 979 and 936 - a three-way split of 409 with Beaumont retaining that area code 682 – an overlay added to 817 for Fort Worth and part of Northeast Texas
<b>2001</b>	<b>21 area codes</b> Due to number reclamation, number pooling, and other number conservation measures, no new area codes become operational.
<b>2002</b>	<b>21 area codes</b> Due to number reclamation, number pooling, and other number conservation measures, no new area codes become operational
<b>2003</b>	<b>24 area codes</b> 430 - an overlay is announced for 903. It became operational in April, 2003 432 and 325 – a three-way split of 915 with El Paso retaining that area code. The new codes became operational in April, 2003